

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION

BRANDON BRYAN, Individually and on  
Behalf of All Others Similarly Situated

PLAINTIFF

v.

No. 3:18-cv-130-DPM

MISSISSIPPI COUNTY, ARKANSAS

DEFENDANT

ORDER

Mississippi County's embedded motion to dismiss, No. 3, is denied without prejudice. As best the Court can tell at this point, for the reasons given by Bryan, No. 5, the County seems to be the public agency that employs him through the Sherriff. An official capacity suit against the Sherriff would be a suit against the County. *Johnson v. Outboard Marine Corp.*, 172 F.3d 531, 535 (8th Cir. 1999). If Mississippi County isn't Bryan's employer for FLSA purposes, then the County must advise Bryan who is and why by 14 September 2018. And Bryan must file an amended complaint (no motion needed) curing any party defect (but making no other changes) by 28 September 2018.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

28 August 2018